dens, an injunction in restraint of the addition should be granted. *Hohl* v. *Modell* (Penn., 1919), 107 Atl. 885.

Such restrictions will be construed strictly, but enforced so long as they are of value to the dominant lot. *Hibbard* v. *Edwards,* 235 Pa. 454. The construction and operation of such restrictive covenants necessarily depends upon the words used. In *Hammond* v. *Constant,* 168 N. Y. Supp. 384, a restriction in a deed against "erection of any building offensive to good neighborhood or in anywise a nuisance" was held not to include a twenty-nine car storage garage; the reason being that the covenant did not show an intent to restrict the use to strictly residence purposes. But in *Evans* v. *Foss,* 194 Mass. 513, a hundred and twenty-five car storage and repair garage was held to violate a restriction against "any business which shall be offensive to a neighborhood for dwelling houses." In *Riverbank Improvement Co.* v. *Bancroft,* 209 Mass. 217, where the restriction was "no buildings other than dwelling houses with the usual outbuildings and no stables" it was held a single car garage was not a stable, but the restriction being made in 1899, a garage was not contemplated as a "usual outbuilding." In *Hibberd* v. *Edwards,* 235 Pa. 454, cited in the principal case, the court held a garage was of necessity both noisy and malodorous and in violation of the restriction of use "For any offensive purpose or occupation." An "offensive business" in an exclusively residential district is probably a more inclusive clause than a business actionable or enjoinable as a "nuisance" in a district of the same character. *O'Hara* v. *Nelson,* 71 N. J. Eq. 161, held that noise and odor incident to a twenty-five car storage and repair garage operated in a residence, but not exclusively residence, district was insufficient to obtain an injunction, but storage of gasoline or cars containing gasoline in a frame building was enjoined, as a nuisance *per se. Pendergast* v. *Walls,* 257 Pa. 547, is the only case reported in which a garage was held a nuisance *per se. Sherman* v. *Levingston,* 128 N. Y. Supp. 581, held that a garage might be conducted so as to eliminate or reduce to inconsequence its objectionable features. However the existence of an exclusively residence neighborhood, was disproved. In *Diocese of Trenton* v. *Toman,* 74 N. J. Eq. 702, a garage adjoining a day nursery was held not a nuisance *per se.* And an "automobile station" in a neighborhood of summer residence was likewise adjudged in *Stein* v. *Lyon,* 87 N. Y. Supp. 125. See *Goldstein* v. *Hirsh, et al.,* 178 N. Y. Supp. 325 (1919).

CONSTITUTIONAL LAW—WORKMEN'S COMPENSATION ACT—DISFIGUREMENT. —There was an accident resulting in a serious facial disfigurement, but it was established that the actual earning capacity was not diminished. Under a provision of the New York Workmen's Compensation Act, as amended in 1916, an award was in each case made for the disfigurement. *Held,* the "disfigurement" clause in the New York act does not conflict with the U. S. Constitution. The "due process of law" clause of the Constitution of the United States does not require the States to base compulsory compensation solely upon loss of earning power. *N. Y. Central R. R. Co.* v. *Bianc* (1919), 40 Sup. Ct. Rep. 44.

A compulsory compensation law applicable to hazardous occupations and based on the loss of earning power is not contrary to the "due process" clause. *N. Y. C. R. R. Co.* v. *White,* 243 U. S. 188. Where there has been no provision in the act, authorizing an award for disfigurement, the injured employee has been allowed to recover damages in an action at law. *Boyer* v. *Crescent Paper Box Co.,* 143 La. 368 (loss of scalp); *Shinnick* v. *Clover Farms Co.,* 169 N. Y. App. Div. 236 (part of ear bitten off by horse). Under statutes containing "disfigurement" clauses, separate awards are allowed for disability and disfigurement. *Stevenson* v. *Illinois Watch Co.,* 186 Ill. App. 418. In Great Britain the phrase "incapacity to work" in the statute is construed to include disfigurement. *Ball* v. *Hunt & Sons, Ltd.* (1912) A. C. 496. The court said, "The recent accident (loss of an eye already blind) has destroyed his market, though it has left his physical ability to work what it was before." *Lord Atkinson in Ball* v. *Hunt & Sons, Ltd., supra.* This reasoning coincides with the argument of the court in the principal case, i. e., that it would be of little avail to the injured workman that he was as skillful after the accident as before, if the result of his disfigurement was to prevent his obtaining or keeping his employment. For discussion of general question involved see 13 MICH. L. REV. 683; 25 HARV. L. REV. 129-139; 26 YALE L. JOUR. 618; 34 L. R. A. (N. S.) 162; L. R. A. 1916A 409, 1917D 51. For disfigurement question see note 16 N. C. C. A. 481.

CRIMINAL LAW—INTENT.—The defendants published pamphlets calling upon workers in ammunition factories to "strike," to "unite for action," to "keep the armies of the allied countries busy at home." They were indicted under the Espionage Act (Sec. 3, Title 1, Act of June 15, 1917, amended May 16, 1918), on counts, among others, of conspiracy to encourage resistance to the United States in the war with Germany and to incite curtailment of production of things necessary to the prosecution of that war. *Held,* there was sufficient evidence to support the verdict of guilty. *Abrams* v. *United States,* 40 Sup. Ct. Rep. 17.

The expressed purpose of the pamphlets was to create opposition to, and interference with, the fighting against Soviet Russia, not to encourage nor assist German militarism. Production of ammunition was decried not because it was used against Germany, but because it was used against Russia as well. Mr. Justice Holmes, with whom concurred Mr. Justice Brandeis, dissented from the majority holding, on the proposition that the defendants had not the specific intent required by the statute. The natural effect of the pamphlets, he agreed, would be to curtail production of things necessary to the war with Germany and, perhaps, to cause resistance to that war, and the defendants might be presumed to know that such would be the result. He further agreed that ordinarily such knowledge of the natural consequences would be construed as a sufficient intent to produce them, whatever might be the primary motive. But, he contended, this effect on the war with Germany was not the motivating idea of the defendants; it was not their primary intention—that being only to weaken the allied ability to fight against Russia. This might be disputed, but as the majority opinion nowhere contra-